

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SAMUEL SIMMONS,

Plaintiff,

v.

Case No.: 2:22-cv-68-SPC-NPM

CINTAS CORPORATE SERVICES  
INC,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Defendant Cintas Corporate Services, Inc.'s Motion to Stay, or Alternatively, Dismiss this Case Pending Arbitration. ([Doc. 8](#)). Plaintiff Samuel Simmons has not responded to the Motion, and the time to do so has expired. See [Local Rule 3.01\(c\)](#). The Court thus treats Defendant's Motion as unopposed. See *id.*

Simmons sues his former employer, Cintas, for age discrimination and retaliation under the Florida Civil Rights Act of 1992. ([Doc. 3](#)). The case was in state court until Cintas removed it here based on diversity jurisdiction.

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

(Doc. 1). Cintas now moves the Court to compel Simmons to submit his claims to arbitration per the parties' employment agreement dated August 13, 2020. (Doc. 8-2). Under the agreement, the parties agreed to arbitrate any claims Simmons has against Cintas arising under Florida's anti-discrimination statute. (Doc. 8-2 at 5-6). That is this action.

Pertinent here, Simmons neither argues the arbitration provision is invalid nor his claims fall outside the agreement. And the Court sees no such arguments to be made. So, having considered the Motion and record against the applicable law, and acknowledging that Simmons does not oppose the relief sought, the Court will send this action to arbitration.

Accordingly, it is now

**ORDERED:**

Defendant Cintas Corporate Services, Inc.'s Motion to Stay, or Alternatively, Dismiss this Case Pending Arbitration (Doc. 8) is **GRANTED**.

1. The claims asserted by Plaintiff Samuel Simmons must be arbitrated.
2. This case is **STAYED** pending completion of arbitration.
3. The parties are **DIRECTED** to jointly notify the Court when arbitration has ended and if the stay is due to be lifted within **seven days** of arbitration ending.

4. The parties are **DIRECTED** to file a joint report on the status of arbitration on or before **May 26, 2022**, and every ninety days after until the Court says otherwise.
5. The Clerk is **DIRECTED** to add a stay flag to the file.

**DONE** and **ORDERED** in Fort Myers, Florida on February 25, 2022.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record